

6/21/06 BdMtg Item 10
Boeing Company
Deadline: 6/15/06 5 pm



ROCKETDYNE CLEANUP COALITION
6437 CLEAR SPRINGS ROAD
SANTA SUSANA, CA 93063

June 15, 2006

Elizabeth Miller Jennings, Esq.
State Water Resources Control Board
1001 I Street, 22nd Floor
P.O. Box 100
Sacramento, CA 95812-0100

Re: Petitions for Review by The Boeing Company of Waste Discharge Requirements Orders Nos. R4-2004-0111 and R4-2006-0008, and R4-2006-0038; OCC Files A-1653 and A-1737:

Comments on Boeing Appeals

Dear Ms. Jennings:

The Rocketdyne Cleanup Coalition opposes Boeing's four appeals pending before the State Water Resources Control Board. Those appeals request overturning the Regional Board's decisions: (1) in 2004 in issuing Boeing's NPDES permit, (2) in January 2006 amending that permit, (3) at the same time rejecting a proposed Cease & Desist Order that would have voided many of Boeing's pollution limits, and (4) March 2006 amendments incorporating TMDL matters. We urge affirmation of the Regional Board's decisions and rejection of Boeing's petitions.

Many of the members of the Rocketdyne Cleanup Coalition, including myself, live right beneath the heavily contaminated Santa Susana Field Laboratory (SSFL) operated by Boeing/Rocketdyne. We are the ones affected when surface water leaves the property carrying pollution; we are the ones harmed if the State Board were to grant the polluter's request to have its pollution limits eliminated rather than enforced.

The great bulk of Boeing's case on behalf of its four appeals rests on a report by Flow Sciences that was not presented to the Regional Board at the time it made the first three of the decisions being appealed, and we object to its consideration in relation to those appeals. It is important to note that the Flow Sciences Report was not submitted to the LA Regional Water

Quality Control Board during consideration of the 2004 permit, the amendments to it added in January 2006, or the Cease and Desist Order. Boeing has now appealed all three of those decisions, for which the Flow Sciences Report was not before the Regional Board; all three of those appeals are now before the State Board. Instead, only *after* the Regional Board had acted on both the primary 2004 permit, the main amendments to it in January 2006, and the Cease and Desist Order, Boeing subsequently submitted the report during consideration of a narrow TMDL amendment to the permit in March 2006, which it has also separately appealed. Thus, the report was not before the Regional Board when it ruled on three of the four actions being appealed, and should not be included in the record for anything other than the TMDL amendment. To permit it into the record for appeals of decisions for which it was not before the Regional Board and to which neither the Board nor the public had an opportunity to consider or respond to it would be inappropriate and an injustice. **We therefore request that the Flow Sciences Report be restricted to consideration of the appeal of the TMDL amendments, for which it was submitted, and not be permitted in the record regarding the three earlier Regional Board decisions being appealed for which it had not been submitted by Boeing and thus was not before the Regional Board on those matters.**

We note that the Board has to date declined to rule, one way or the other, on Boeing's request to supplement the record with this report, nor the opposing parties' repeated requests that the Board rule now to not permit in the February 2006 Flow Sciences Report on any but the March 2006 TMDL issue for which it had been submitted to the Regional Board. Failure to rule in a timely fashion prejudices small public groups like ours, who are thus not put on notice as to what must be responded to in the Petitioner's case.

SSFL is a heavily contaminated site with a record going back many years of violating its NPDES permit and other environmental restrictions. Voiding the protective limits rather than enforcing them would be at odds with the environmental protection mandate of the State Board. We urge affirmation of the Regional Board's decisions regarding Boeing and the rejection of its appeals.

Sincerely,

Marie Mason

cc: LARWQCB counsel
Boeing counsel